IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 10396 of 2004

Between:
Sri Talishetti Venkataramaiah S/o Agaiah R/o Thorrur Village & Mandal,
Warangal District

..... PETITIONER

AND

1 The Divisional Panchayat Officer, Mahabubnagar Division, warangal District
2 The District Collector (Panchayat Wing) Warangal, Warangal District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or Direction more particularly one in the nature of Writ of Mandamus restraining the Respondents from interfering/demolishing the structures built by the petitioner in pursuance of permission vide 501/A1/B2-GPT-2003 dt 03-03-2004 of the Gram Panchayat, Thorrur Without following due process of law under the Gram Panchayt Act. and Consequently allow the petitioner to peacefully enjoy the House and property in Plot No. 13 & 14 Survey No.3 thorrur Village and Mandal, without any hindrance what so ever

For the Petitioner:MR.B.SUDHAKAR REDDY & NEERAJA REDDY

For the Respondent No.: G.P. FOR PANCHAYAT RAJ

The Court Made the Following :

ORDER:

This writ petition is filed praying for a direction to the respondents not to demolish the structures constructed by the petitioner in Plot No.13 and 14, Survey No.3 of Thorrur village and Mandal, Warangal District.

According to the petitioner, he has been in possession and enjoyment of the above mentioned land, the same has been regularized by the 2nd respondent on payment of market value of Rs.,58,080/-, vide Proceedings NO.1065/2001/A4 dated 18-10-2001 and the M.R.O. has assigned the land in his favour. He has constructed a house in the said land after obtaining necessary approval of the gram Panchayat, Thorrur under R.C.No.501/A1/B2/JPT/2003 dated 3-3-2004 and he is about to occupy the said premises on an auspicious day. While so, his grievance is that the respondents are trying to interfere with his possession and are threatening to demolish the said premises, without any notice and without following the due process of law. He claims that on 19-6-2004 the 1st respondent came to the said house and threatened to demolish part of the building on 21 or 22nd of June 2004. Apprehending, threat of demolition from the respondents, the petitioner is before this Court.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj. Both the counsel requested to dispose of the writ petition at the stage of admission with a direction to the respondent.

As the petitioner is stated to have constructed the building in the land in question, which is assigned to him, after obtaining regularization from the 2nd respondent and approval from the Gram Panchayat and since the respondents, according to the petitioner, are trying to demolish the building without following due process of law, the writ petition is disposed of with the following direction:

The respondents are directed not to interfere with the possession of the petitioner or not to take steps for demolishing the building in question without following due process of law.

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24-6-2004

Note:
Issue operative portion by wire at party's cost
B/o
asp

To :
1 The Divisional Panchayat Officer, Mahabubnagar Division, warangal District
2 The District Collector (Panchayat Wing) Warangal, Warangal District
3. Two C.Cs to G.P. for Panchayat Raj, High Court Buildings (O.U.T.)
4. Two C.D. copies